

**CHAPTER NO. 796**

**HOUSE BILL NO. 3167**

**By Representatives Fitzhugh, Buck, Scroggs, Jackson, McDonald**

**Substituted for: Senate Bill No. 2945**

**By Senators Burks, Davis**

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to criminal sentencing and appeals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-402(a), is amended by adding following the second sentence of the subsection, the following:

In addition, the District Attorney General may also appeal the amount of fines and restitution imposed by the sentencing court.

SECTION 2. Tennessee Code Annotated, Section 40-35-402(b), is amended by adding the following as new, appropriately designated subsections:

( ) The court failed to impose the fines recommended by the jury.

( ) The court failed to order the defendant to make reasonable restitution.

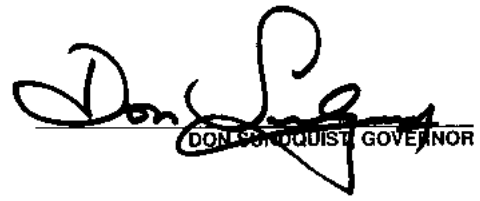
SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 9, 1998**

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 23rd day of April 1998**

  
DON SUNDQUIST GOVERNOR